Docket No. 59764.21520

Serial No.: 10/610,691

Customer No. 30734

REMARKS/ARGUMENTS

In the Office Action dated October 5, 2005, claims 25 and 26 were rejected and claims

37-46 were allowed. Applicants have thoroughly reviewed the outstanding Office Action,

including the Examiner's remarks and the reference cited therein. The above amendment of

claims 25 and 26, along with the following remarks, is believe to be fully responsive to the

Office Action. All of the pending claims at issue are believed to be patentable over the cited

reference.

Claims 25 and 26 have been amended. Support for the subject matter incorporated into

claims 25 and 26 could previous have been found throughout the specification and figures of the

as-filed application, for example, in the second paragraph on page 4 of the specification. No new

matter has been added. Claims 25-26 and 37-46 remain pending in the present application.

Claims 25, 26 and 37 are independent claims.

Rejection of Claims 25 and 26 Under 35 U.S.C. §112, first paragraph:

Claims 25 and 26 have been rejected under 35 U.S.C. §112, first paragraph, as failing to

comply with the written description requirement. More specifically, it is alleged that the claims

contain subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventors, at the time the application

was filed, had possession of the claimed invention.

Applicants respectfully submit that the above amendments made to claims 25 and 26

directly address the Examiner's comments and render the rejection thereof under 35 U.S.C.

§112, first paragraph, moot. At least in view of the above claim amendments and remarks,

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reconsideration and withdrawal of the rejection of claims 25 and 26 under 35 U.S.C. §112, first

paragraph, is respectfully requested.

Rejection of Claims 25 and 26 Under 35 U.S.C. §102(e):

Claims 25 and 26 have been rejected under 35 U.S.C. §102(e) as being anticipated by

U.S. Patent 6,587,765 to Graham et al. (Graham '765). This rejection is respectfully traversed.

Graham '765 discloses, "a dual, top-mount control head 100 for controlling a marine

vessel having a plurality of engines" (Column 5, lines 4-5). Graham '765 also discloses that, "it

should be understood that the control head can be adapted to control any number of engines"

(Column 5, lines 10-12).

Graham '765 further discloses that, "a single control head 12 can be operatively coupled

to a plurality of transmissions 22 and engines 24 via a plurality of ECUs 16" (Column 7, lines

33-35). In addition, Graham '765 also discloses that, "a plurality of control heads 12 can be

operatively coupled to a single transmission 22 and engine 24," and that, "[i]n such an

embodiment, the plurality of control heads can be coupled to a single ECU 16" (Column 7, lines

36-39).

However, Graham '765 fails to disclose at least, "a third ECU communicatively coupled

to the first and second ECUs," as recited in claims 25 and 26 of the present application. In other

words, Graham '765 fails to disclose at least any coupling between the ECUs disclosed therein.

In fact, as shown above, Graham '765 teaches away from the use of a third ECU by disclosing

that a single ECU may be used.

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At least in view of the foregoing remarks, Applicants respectfully submit that claims 25

and 26 recite subject matter which is not anticipated by Graham '765. Therefore, at least for this

reason, reconsideration and withdrawal of the rejection of claims 25 and 26 under 35 U.S.C.

§102(e) as being anticipated by Graham '765 is respectfully requested.

Allowable Subject Matter:

Claims 37-46 have been allowed. Applicants thank the Examiner for the time spent

reviewing these claims and for acknowledging that these claims recite patentable subject matter.

CONCLUSION

At least in view of the above claim amendments and the foregoing remarks, Applicants

respectfully request that all of the rejections to the claims be removed. If, for any reason, the

Examiner disagrees, he is requested to call the undersigned Applicants' representative at 202-

861-1716 in an effort to resolve any matter still outstanding before issuing another Office

Action. The undersigned Applicants' representative is confident that any issue which might

remain can readily be worked out by telephone.

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In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 59764.21520.

Respectfully submitted,

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Date: <u>January 5, 2006</u>

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